

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing in the labeling, to wit, "Contains 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser.

On November 13, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12035. Misbranding of Foley kidney pills. U. S. v. 9 Large Bottles and 11½ Dozen Small Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18056. I. S. Nos. 7248-v, 7249-v. S. No. C-4184.)

On November 14, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 large bottles and 11½ dozen small bottles of Foley kidney pills, at New Orleans, La., alleging that the article had been shipped by Foley & Co., Chicago, Ill., on or about October 6, 1923, and transported from the State of Illinois into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained potassium nitrate, methylene blue, hexamethylene tetramine, and plant material, including resin and juniper oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effect of the said article, (bottle, carton, and circular) "Kidney Pills For Irritation [circular and carton, large size, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "kidneys \* \* \* weakened by disease \* \* \* inflamed and congested \* \* \*". In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely \* \* \*. 2nd—The bowels must be kept active. \* \* \*. 3rd—The diet is of great importance. \* \* \*. Satisfaction Guaranteed [the words, 'Satisfaction Guaranteed' were omitted from circular in small size]," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12036. Adulteration and misbranding of cottonseed meal. U. S. v. 54 Sacks of Alleged Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17873. I. S. No. 9003-v. S. No. E-4513.)

On October 26, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 54 sacks of alleged cottonseed meal, at Taunton, Mass., alleging that the article had been shipped by the Lancaster Cotton Oil Co., Lancaster, S. C., on or about July 20, 1923, and transported from the State of South Carolina into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Prime Cotton Seed Meal Guaranteed Analysis Not Less Than Protein, not less than (Equivalent to 8% ammonia) 41.00% \* \* \* Nitrogen, not less than 6.58% \* \* \* Made from Cotton Seed."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (ammonia-nitrogen) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole and in part for cottonseed meal, which the said article purported to be.

Misbranding was alleged in substance for the reason that the article was labeled, "Prime Cotton Seed Meal Guaranteed Analysis Not Less Than — Protein, not less than (Equivalent to 8% ammonia) 41.00% \* \* \* Nitrogen,